

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

W.P.(C).No. 19236 of 2006(M)

AGAINST THE ORDER IN EP.NO.721/2003 IN
O.S.369/2000 of MUNSIF COURT,CHAVAKKAD
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PETITIONER:

SUKUKUMARI, AGED 60 YEARS,
D/O.ITHIKKATT KOCHAKKAN,THALIKULAM AMSOM AND
DESOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENT:

SASHI,S/O.KUTTAMPARAMBATH ARJUNAN,
THALIKULAM AMSOM AND DESOM, CHAVAKKAD TALUK.

BY ADV. SRI.P.G.SURESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1: COPY OF THE JOINT STATEMENT FILED BY THE PLAINTIFF AND DEFENDANT IN O.S.NO.369 OF 2000 BEFORE THE MUNSIFF COURT, CHAVAKKAD.
- EXT.P2: COPY OF THE E.P.NO.721 OF 2003 IN O.S.NO.369 OF 2000 ON THE FILE OF THE MUNSIFF COURT, CHAVAKKAD.
- EXT.P3: COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN E.P.NO.721/2003 IN O.S.NO.369 OF 2000 ON THE FILE OF THE MUNSIFF COURT, CHAVAKKAD.
- EXT.P4: COPY OF THE ORDER DATED 9.12.2005 IN E.P.NO.721/2003 IN O.S.NO.369 OF 2000 BY THE MUNSIFF COURT, CHAVAKKAD.

TRUE COPY

P.A.TO JUDGE

M.N.KRISHNAN, J.

W.P.(C)NO.19236 OF 2006

Dated this the 1st day of February 2007

JUDGMENT

This writ petition is filed to quash Ext.P4. The decree holder obtained a decree as per the terms of compromise and then proceeded to execute the decree by sale of property wherein the judgment debtor raised the contentions that she has entitled to the benefit under Section 60(c) of the Civil Procedure Code. The trial court negated that contention on the ground that it was a compromise decree. The learned counsel for the decree holder submits that he is prepared to give some reasonable time for payment. Taking into consideration that aspect, I direct the judgment debtor namely the writ petitioner to pay the amount due in six monthly equal instalments. The writ petitioner shall pay Rs.5,000/- on 1-4-2007 and pay the balance amount in five monthly equal instalments and the decree holder shall file a statement before the court below showing the correctness of the amount.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

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